

ESTTA Tracking number: **ESTTA289085**

Filing date: **06/10/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91184213
Party	Plaintiff Galaxy Metal Gear, Inc.
Correspondence Address	Jen-Feng Lee WorldEsquire Law Firm LLP 80 South Lake Avenue, Suite 708 Pasadena, CA 91101 UNITED STATES jflee@worldesquire.com, ktanji@worldesquire.com
Submission	Other Motions/Papers
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Signature	/kenneth tanji, jr./
Date	06/10/2009
Attachments	galaxy-amended pretrial.pdf ( 6 pages )(418389 bytes )

1                   **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
2                   **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**  
3

4 In the matter of Application Serial No.: 78914975

5 Filed:           6/22/2006

6 Mark:           METAL GEAR

7 GALAXY METAL GEAR, INC.,

Opposition No.: 91184213

8                   Opposer,

9                   vs.

10 DIRECT ACCESS TECHNOLOGY, INC.

Action filed: May 20, 2008

11                   Applicant.  
12  
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14                   **OPPOSER'S AMENDED PRETRIAL DISCLOSURES**  
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16                   Pursuant to 37 CFR Part 2 of the Code of Federal Regulations, Opposer, Galaxy Metal  
17 Gear, Inc. ("Galaxy" hereinafter), by its attorneys of record, hereby provide the following  
18 pretrial disclosures. Galaxy reserves its right to modify these disclosures as permitted by law.  
19  
20

21                   A.       WITNESSES

22                   On information and belief, Galaxy provides the name and, if known, the address and  
23 telephone number of each witness to be presented at trial:  
24  
25

26                   1)       Antonio Tan

27                           c/o Kenneth Tanji, Jr.

28                           WorldEsquire Law Firm LLP

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**Opposer's Amended Pretrial Disclosures**

1 80 South Lake Avenue, #708

2 Pasadena, CA 91101

3 Telephone: (626) 795-5555

4  
5 Antonio Tan is an officer of Galaxy. Tan will provide testimony and regarding his  
6 knowledge of the operations of Galaxy, including but not limited to the corporate structure and  
7 sales and marketing of products by Galaxy; the sales and marketing of products by DataStor  
8 Technology; the sales and marketing of products by Applicant; and the awareness of the Metal  
9 Gear trademark in the market.  
10

11  
12 2) Gary Ching

13 c/o Kenneth Tanji, Jr.

14 WorldEsquire Law Firm LLP

15 80 South Lake Avenue, #708

16 Pasadena, CA 91101

17 Telephone: (626) 795-5555

18  
19  
20 Gary Ching is an officer of Galaxy. Ching will provide testimony and regarding his  
21 knowledge of the operations of Galaxy, including but not limited to the corporate structure and  
22 sales and marketing of products by Galaxy; the sales and marketing of products by DataStor  
23 Technology; and the sales and marketing of products by Applicant.  
24

25  
26 3) Geoffrey Ching

27 c/o Kenneth Tanji, Jr.

28 WorldEsquire Law Firm LLP

1 80 South Lake Avenue, #708

2 Pasadena, CA 91101

3 Telephone: (626) 795-5555

4  
5 Geoffrey Ching is an officer of Galaxy. Ching will provide testimony and regarding his  
6 knowledge of the operations of Galaxy, including but not limited to the corporate structure and  
7 sales and marketing of products by Galaxy; the sales and marketing of products by DataStor  
8 Technology; and the sales and marketing of products by Applicant.  
9

10  
11 4) Momo Chen

12 Telephone: 886-2-2285-9120

13 300 No. 8 Lane, No. 15, Fourth Floor

14 San Min Avenue, San Chung City, Taipei County, Taiwan

15  
16 Momo Chen formerly worked as a sales representative for Datastor. Momo Chen will  
17 provide testimony and regarding her knowledge of the sales and marketing of products by  
18 DataStor Technology., specifically products sold by Datastor under the name of Metal Gear.  
19 Documents that may be introduced by Momo Chen would be identification documents  
20 including her passport.  
21

22  
23 5) Patrick Wang

24 c/o attorney for Applicant

25  
26 Patrick Wang is an officer of Applicant. Wang will provide testimony and regarding  
27 his knowledge of the sales and marketing of products by Applicant and DataStor Technology.  
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1 B. DEPOSITION EXCERPTS TO BE PRESENTED AT TRIAL

2 Deposition of Momo Chen: pages 1-55.

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5 C. EXHIBITS TO BE OFFERED AT TRIAL

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Exhibit #	Exhibit
7 1	"Metal Gear" trademark registration documents
8 2	"Tune Gear" trademark registration documents
9 3	"Yukon Gear & Axle" trademark registration documents
10 4	"Pet Gear Inc." trademark registration documents
11 5	"Metal Shop" trademark registration documents
12 6	"Metal Gear" (video game) trademark registration documents
13 7	"Metal Gear" (flashlights) trademark registration documents
14 8	Cross-Complaint of Direct Access Technology, Inc.
15 9	Photo of Comp USA "Metal Gear" product
16 10	Exclusivity agreement between Datastor and Tech Depot, Inc.
17 11	Dictionary definition of "metal"
18 12	Dictionary definition of "gear"

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**Dated:** June 10 , 2009

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Respectfully submitted,

/ktanji/

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WorldEsquire Law Firm  
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**Opposer's Amended Pretrial Disclosures**

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## **CERTIFICATE OF SERVICE**

The undersigned Attorney hereby certifies that a copy of the foregoing Opposer's Amended Pretrial Disclosures was served on the Applicant by mailing a true copy thereof by first class mail, postage prepaid to the following address on June 10, 2009.

**Michael Olson, Esq.  
Law Office of Michael C. Olson  
1400 Bristol St. N.  
Suite 270  
Newport Beach, CA 92660**

/ktanji/

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Kenneth Tanji, Jr.

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**Opposer's Amended Pretrial Disclosures**